

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:11-CV-669-FL

| | | |
|------------------------|---|----------------------|
| TRACY A SHARPE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | CONSENT ORDER |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social |) | |
| Security, |) | |
| |) | |
| Defendant. |) | |

This action being submitted to the Court for entry of a Consent Order agreed to by the parties and it appearing that Plaintiff, by and through his attorney, has executed this Consent Order and Defendant has executed this Consent Order, by and through the undersigned Assistant United States Attorney; and it appearing that the parties have agreed that the Commissioner of Social Security should pay the sum of \$3,883.44 for attorney fees, in full and final settlement of all claims due against the Social Security Administration, for attorney fees arising under the Equal Access to Justice Act (EAJA) and that the Treasury Judgment Fund will reimburse Plaintiff the \$75.00 filing fee paid upon filing the case in this Court. 28 U.S.C. § 2412(d).

Pursuant to *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. ----, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. Defendant will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that

Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

It is therefore ORDERED that the Commissioner of Social Security pay to Plaintiff, the sum of \$3,883.44 in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d), and that Plaintiff be reimbursed by \$75.00 for costs, and upon the payment of such sum this case is dismissed with prejudice. This ~~13th~~ day of July, 2012.

/s/ Louise W. Flanagan
United States District Judge

CONSENTED TO:

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